

SP

Notice of Allowability

Application No.

10/686,434

Applicant(s)

WANG, MA-LI

Examiner

Sebastiano Passaniti

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment (08/02/2005).
2. ☒ The allowed claim(s) is/are 1-8 and 10.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 09/29/05.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


Sebastiano Passaniti
 Primary Examiner

DETAILED ACTION

This Office action is responsive to communication received 08/02/2005 –
Amendment.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Miles Yamanaka (Reg. No. 45,665) on September 28, 2005. During said interview, it was noted that an amendment to claim 1 clearly detailing that the body includes a top surface and an opposing bottom surface along with an amendment clearly describing the striking portion as being formed beneath the top surface and within a cavity formed on the body would present a more accurate claim. These changes were agreed upon and the application was allowed.

The application has been amended as follows:

Claim 1 – line 3, "a" (third occurrence) has been CHANGED to --an opposing--;

Claim 1 – line 6, "on the bottom surface of the body and having" has been
CHANGED to --beneath the top surface and within-- ;

Claim 1 – line 7, "therein" has been CHANGED to --on the body--.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: Claims 1-8 and 10 are allowable over the prior art references of record for the reasons advanced by the applicant on page 3, line 11-11-24 and page 4, lines 13-28 of the remarks received with the 08/02/2005 response.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

COMMENTS ON AMENDMENT

The listing of claims included with the 08/02/2005 amendment includes a notation that claim 7 is being presented without any status identifier. The styling of the claim and a review of the originally filed claims clearly indicates that claim 7 should have been identified as --original--. It would appear that the applicant inadvertently omitted the correct status identifier when presenting the claim, as it is clear from a reading of the remaining status identifiers used in the listing of claims that the applicant would appear to be well versed in the general usage of the correct status identifiers. Although no status identifier was used by the applicant in this particular instance and although the submission of claim 7 without an identifier is not in compliance with the requirements set forth in 37 CFR 1.121(c), in an effort to reduce the burden on both the applicants and the Office and to avoid delays in processing resulting from holding an amendment non-

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compliant when the only non-compliance is the use of certain status identifiers, the amendment including claim 7 has been entered.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sebastiano Passaniti whose telephone number is 571-272-4413. The examiner can normally be reached on Monday through Friday (6:30AM - 3:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 571-272-4415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S.Passaniti/sp
September 29, 2005


Sebastiano Passaniti
Primary Examiner